IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 6385 of 2004

Between:

S.Rahamathunnisa, W/o.Rahamatulla,
Sri Chandramouli, Vidyanilayam High School,

Prakash Nagar Colony,Cuddapah Dist. **..... PETITIONER**

AND

1.The Govt.of A.P.,rep.by its Secretary,

Education Department, Secretariat Buildings, Hyderabad.
2.The Commissioner & Director of school Education,

A.P.Hyderabad.
3.The Regional Joint Director of school Education,

Kadapa, Kadapa Dist.
4.The District Educational officer,

Kadapa District at Kadapa.
5.The Secretary/Correspondent,

S.C.M.V.N.H.School, Prakash Nagar Colony,

Kadapa Dist. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of writ of Mandamus directing the High Level committee represented by the 2nd respondent to consider and recommend the post of the petitioner i.e., Hindi pandit Grade-I un-aided, to admit the same into grant-in-aid on the proposals to be sent by the 2nd respondent and consequently direct the 1st respondent to admit the un-aided post of the petitioner into grant - in - aid by releasing the teaching grant forthwith to the petitioner and pass such other order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.POODATTU AMARENDER

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

Heard the learned Counsel for the petitioner and also the learned Government Pleader for School Education appearing on behalf of the respondents.

It is the case of the petitioner that she was initially appointed as Hindi Pandit Grade-I in the year 1991 and as per the report of the fourth respondent dated 2-12-1997, the third respondent i.e., Regional Joint Director of School Education, Kadapa, accorded approval for the selection of the staff by the Staff Selection Committee on 23-11-1997, in the fifth respondent-school. Pursuant to the orders of the third respondent, the fifth respondent-school vide proceedings dated 12-3-1998 appointed the petitioner as Grade-I Hindi Pandit and the same is an un-aided post. Since then she has been working in the same post till today. While so, it is stated that as per G.O.Ms.No.178 Edn. dated 27-3-1990 one B.Ed post and one Telugu Pandit Grade-II post were sanctioned to the fifth respondent-school. Subsequently, as per G.O.Rt. No.354 Edn. Dated 5-3-1992, twelve posts were sanctioned to High School and the fifth respondent-school was not sanctioned any aided post. It is the case of the petitioner that since she has been working as Hindi Pandit Grade-I from 1991 and in un-aided post from 1998 onwards, and no aided post of Grade-I Hindi Pandit was sanctioned to the 5th respondent-school, there is every necessity for sanction of aided post to the fifth respondent-school. While so, fourth respondent submitted proposals to the third respondent for giving grant-in-aid to certain posts in the fifth respondent-school. Pursuant to the same, certain proposals were made for giving grant-in-aid to certain posts in the fifth respondent-school. Accordingly,

the third respondent vide RC.No.1684/A2/93 dated 20-10-1994 submitted his proposals to the second respondent for sanction of Grade-I Hindi Pandit Post with grant-in-aid as there was only one un-aided Grade-I Hindi Pandit post. Petitioner's grievance is that though the proposals were submitted way back in the year 1994, the second respondent did not pass any orders till today. Hence, the petitioner has filed this writ petition for a direction to the second respondent to consider and recommend the post of the petitioner, i.e., Hindi Pandit Grade-I un-aided, to admit the same into grant-in-aid on the proposals to be sent by the second respondent and consequentially direct the first respondent to admit the un-aided post of the petitioner into grant-in-aid by releasing the teaching grant forthwith to the petitioner.

The learned Government Pleader appearing for the respondent submits that one post of Grade-II Hindi Pandit (un-aided) was already sanctioned to the fifth respondent-school and therefore, there is no need or necessity to admit the post of the petitioner, who is working as Grade-I Hindi Pandit (un-aided), for the grant-in-aid.

There is no explanation by the respondents as to what had happened to the proposal submitted by the fifth respondent vide Rc.No.1684/A2/93 dated 20-10-1994 to the second respondent.

Having regard to the facts and circumstances of the case, I deem it appropriate to direct the second respondent, to place the proposals dated 20-10-1994, sent by the fifth respondent for admitting the post of the petitioner i.e., Hindi Pandit Grade-II (un-aided) for the post of the grant-in-aid in the fifth respondent-school, before the High level committee constituted as per G.O.Rt.No.220 Education Department, dated 24-2-1988, and the High Level Committee is directed to consider the same and pass appropriate orders, and based on the recommendations of the High Level Committee, the first respondent shall pass appropriate orders. The entire process shall be completed with in a period of three (3) months from the date of receipt of a copy of this order.

With the above said observation, the Writ Petition is disposed of. No order as to costs.

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26th July, 2004

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To:

1.The Govt.of A.P., rep.by its Secretary,

Education Department, Secretariat Buildings, Hyderabad.
2.The Commissioner & Director of school Education,

A.P.Hyderabad.
3.The Regional Joint Director of school Education,

Kadapa, Kadapa Dist.
4.The District Educational officer,

Kadapa District, Kadapa.

5.Two CCs to the G.P. for School Education,

High Court Buildings, Hyderabad.

6.Two CD copies.